

**ORDINANCE NO. 06- 302**

**AN EMERGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS AMENDING CHAPTER 2.04 OF THE LOS ALTOS MUNICIPAL CODE PERTAINING TO THE CITY COUNCIL TERMS OF OFFICE**

WHEREAS, state law allows the City of Los Altos City Council to enact an ordinance restricting the number of terms a person may serve on the City Council. Such an ordinance is required to be approved by the voters before becoming effective and cannot be repealed without the consent of the voters; and

WHEREAS, in June 1999 the City of Los Altos City Council adopted Ordinance No. 99-370, Ballot Measure G, restricting any person from seeking more than two consecutive elective terms on the City Council, plus serving out any midterm vacancy to which that person was appointed or elected. Measure G further provided that a person could have a break in service and then be appointed or elected should he or she choose to do so; and

WHEREAS, prior to Measure G, the Los Altos Municipal Code had a policy of a two term limit for members of the City Council; and

WHEREAS, Measure G was approved by the voters and codified by Ordinance No. 99-370 and applied to persons elected to the City Council or appointed thereto on November 2, 1999; and

WHEREAS, the current Los Altos Municipal Code has conflicting provisions in that Section 2.04.020, pertaining to the limitation of terms for City Councilmembers, and Section 2.040.030, pertaining to the policy of restricting consecutive terms, both still remain codified; and

WHEREAS, this ordinance is necessary to correct such a conflict, to avoid confusion and to assure the public and the elected Councilmembers what term of office will apply.

The City Council of the City of Los Altos does hereby ordain as follows:

**SECTION 1. AMENDMENT OF CODE:**

Section 2.04.030 of Chapter 2.04 entitled "Policy restricting consecutive terms on the city council" is hereby repealed in its entirety.

**SECTION 2. CONSTITUTIONALITY.** If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

**SECTION 3. PUBLICATION.** This ordinance shall be published as provided in Government Code section 36933.

**SECTION 4. EFFECTIVE DATE:** This Ordinance, pursuant to Government Code section 36937, is hereby declared to be necessary as an emergency measure for the preservation of the public peace, health, safety and property in the City, and as such shall take effect immediately and be in full force and effect after its adoption after publication at least once in an official newspaper of the City for the following reasons:

The City wishes to confirm City Council term limitations as adopted by the voters on November 2, 1999, and as set forth in the Los Altos Municipal Code Section 2.04.020 and to repeal the existing Section 2.040.030, to correct a conflict between the two code provisions, to avoid confusion and to assure the public and the elected Councilmembers what term of office will apply.

In order to accomplish these goals, Los Altos Municipal Code Chapter 2.04, as amended, must adopted by means of this emergency ordinance.

PASSED FOR THE PURPOSE OF PUBLICATION this 14<sup>th</sup> day of November 2006, by the following roll call vote:

Ayes: CARPENTER, COLE, CASAS, PACKARD  
Noes: NONE  
Absent: NONE

  
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Ronald D. Packard, MAYOR

Attest:

  
\_\_\_\_\_  
Susan Kitchens, CITY CLERK